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October 20, 2005

Via facsimile

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Re: Woodruff, et al. v. Hawai'i Pacific Health, et al., Civil No. 02-0090-01 (BLA)

Dear Counsel:

We write concerning the efficient management of the above-entitled matter in light of the lifting of the stay in the Federal case. There has been the suggestion that Judge Ayabe and Judge Mollway should confer regarding scheduling and possibly other issues involving the two cases, but we believe that it is in the nature of trial scheduling that we must endure uncertainties in that regard and that the parties should concentrate on preparing the respective cases for trial in the expectation that the solutions to any scheduling issues will be more readily apparent as the trial dates approach. We believe that any other issues concerning the management of the two cases are primarily the responsibility of the parties to confer and propose solutions within the framework of the Rules.

The depositions in this case have highlighted the fact that consolidating the cases raised issues for the Defendants not named in HCBCG's case in federal court - the various individual defendants, Deloitte & Touche, and Dennis Warren, Esq. - regarding the extent to which they must be concerned about liability for HCBCG's antitrust claims. The difficulties of scheduling depositions involving all of the parties in the State case have likewise highlighted the need to address the issues arising from the consolidation. Certainly you have come to better understand Plaintiffs' allegations that the aforementioned Defendants' actions were instrumental

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EXHIBIT O

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in laying the foundation for HPII, KMS, and KMCWC to exclude HCBCG from competition. These parties need not be named defendants, however, in order for the part they played to be added to the total picture, just as the picture will include the parts played by a number of other key players whose assistance or acquiescence HPII, KMS, and KMCWC have required in their effort to exclude HCBCG from competition, and who have been identified through Rule 30(b)(6) depositions but have not been named in the Federal case.

Prior to taking any action to resolve the efficiency issues, we invite you to express your views concerning the following two alternatives: The parties may enter into a stipulation in the State case, permitting HCBCG to dismiss its claims without prejudice, pursuant to Rule 41(a)(1)(B), pending the claims' resolution in the Federal case, CV03-00708. Ultimately, the stipulation would require that the complaint in the State case be amended again to undo the consolidation, and that any of HCBCG's claims in which the concerns of the Federal and State antitrust laws differ can still be reasserted in State court if they are not resolved in the Federal case. Alternatively, the parties could proceed as they have been with the understanding that HCBCG will dismiss its claims in State court once there is a full resolution in the Federal case and no concerns arising under State law remain. The alternative course would obviously not require that the complaint be amended until such time as there is resolution in the Federal case. Neither course would preclude the use of depositions and other discovery for both cases as the parties previously agreed and represented to the courts.

We look forward to your responses. Please contact the undersigned if you have any questions.

Very truly yours,



Rafael G. del Castillo